



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,631	07/16/2003	Yariv Aridor	IL920030008US1	9678
877 7590 08/25/2008 IBM CORPORATION, T.J. WATSON RESEARCH CENTER P.O. BOX 218 YORKTOWN HEIGHTS, NY 10598				
EXAMINER				
PRCT, NATHAN E				
ART UNIT		PAPER NUMBER		
2194				
MAIL DATE		DELIVERY MODE		
08/25/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/620,631

**Applicant(s)**

ARIDOR ET AL.

**Examiner**

NATHAN PRICE

**Art Unit**

2194

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 25 – 27 are pending. This Office Action is in response to communications received 20 June 2008. Previous objections and rejections not included in this Office Action have been withdrawn.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 20 June 2008 has been entered.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 25 – 27 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 25 – 27 are rejected under 35 U.S.C. 102(a) as being anticipated by Abbondanzio et al. (see PTO-892 mailed with this Office Action; “Abbondanzio”).

5. As to claim 25, Abbondanzio teaches a method of managing application complexes using a management framework adapted for execution by a processor, each application complex comprising multiple tiers of servers, where servers in the same tier run an identical application and the servers of the multiple tiers work together to provide a specific service, each of said application complexes being definable via a respective application-complex type (p. 1 ¶5 – p. 2 ¶1; p. 2 ¶3), the method comprising:

providing configuration information to the framework regarding an application complex type via a respective plug-in that supports said application-complex type, wherein the configuration information provided by said plug-in encapsulates a relationship between one or more resources composing the respective application-complex type and respective characteristics of said resources (p. 2 ¶3);

responding to user operations input to said framework via a user interface that is adapted to the application-complex type according to the configuration information provided by said plug-in (p. 2 ¶3);

defining an application complex as an instance of said application-complex type according to the configuration information provided by said plug-in (p. 2 ¶3);

allowing a user to control the association of servers with the multiple tiers of the application complex (p. 2 ¶3);

managing by the framework multiple application complexes of different types based on the configuration information provided by said plug-in for each respective application-complex type (p. 2 ¶3),

detecting by the framework an event at a level of an application complex to which the framework is to respond in conjunction with the plug-in (p. 2 ¶4; p. 3 3<sup>rd</sup> “●”); and

in response to the event, applying by the framework, in cooperation with said configuration operations on application complexes of the respective application-complex type, using a plug-in interface that defines a software protocol indicating to the framework how to exchange information with the plug-in for configuring an instance of an application complex (p. 2 ¶3 – 4; p. 3 3<sup>rd</sup> “●”).

6. As to claim 26, Abbondanzio teaches said configuration information provided by the plug-in includes information relating to the type of the application complex, the number of tiers, the application which the servers in each tier should run, and one or more properties of the application complex whose values can be specified by the user for each instance of the application-complex type (p. 1 ¶5 – p. 2 ¶1; p. 2 ¶3 – 4).

7. As to claim 27, Abbondanzio teaches the plug-in is responsive to a change in one or more properties of the application complex for updating the framework and

configuring at least one of said servers in accordance with said change (p. 2 ¶3 – 4; p. 3 3<sup>rd</sup> “●”).

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN PRICE whose telephone number is (571)272-4196. The examiner can normally be reached on 6:00am - 2:30pm, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/  
Supervisory Patent Examiner, Art Unit 2195

NP